

AO 241 (Rev. 09/17)

JAN 25 2021

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Nathan Ochsner, Clerk of Court

United States District Court		District: <u>Court 176</u>
Name (under which you were convicted): <u>Wlatf Busbd</u>		Docket or Case No.: <u>1535843</u>
Place of Confinement: <u>Harris County Sheriff Office</u>		Prisoner No.:
Petitioner (include the name under which you were convicted) <u>Defendant</u>	Respondent (authorized person having custody of petitioner) <u>Art. 15.17, Code of Crim. Proc.</u>	
The Attorney General of the State of:		

PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

None Yet: Which I'm Challenge the judgement of Cause No 1535843 to a redual of the Charging language & offense Statute due to

- (b) Criminal docket or case number (if you know):

2. (a) Date of the judgment of conviction (if you know):

- (b) Date of sentencing:

3. Length of sentence:

4. In this case, were you convicted on more than one count or of more than one crime?
- ☒
- Yes
- ☒
- No

5. Identify all crimes of which you were convicted and sentenced in this case:

District Court 176
is in use of my past Conviction in Cause No 1535843. I filed
an 11.07 writ of Habeas Corpus. I stated that I wish to object to
the Enhancement usage which I'm try to prove that they are
in the wrong Court Cause No 942706 of Court 180 and Cause
No 442721 which is Court 232. But should be Court 180 of
file the 11.07 writ, I was clean procedure to prove.

6. (a) What was your plea? (Check one)

- ☐ (1) Not guilty ☐ (3) Nolo contendere (no contest)
☐ (2) Guilty ☐ (4) Insanity plea

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(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

Tex. Code Proc. Art. 105.1.15 which is a Complaint in ~~menefee~~ v. State 287 S.W.3d 9 of being denied the Speedy trial by non-jury. I think this case had been convicted of the same procedure under the Speedy trial Act; however, where an judge is wishing Certification of defective to acquit there no raise do to a depriving unfair trial record which may show neglect.

(c) If you went to trial, what kind of trial did you have? (Check one)

☐ Jury ☒ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☒ No

8. Did you appeal from the judgment of conviction?

☒ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court: *United State Southern district Court of Texas*

(b) Docket or case number (if you know): *4-12-3543*

(c) Result: *Dismissed*

(d) Date of result (if you know): *3-5-2013*

(e) Citation to the case (if you know): *Bushy v. Thaler 4-12-3543 (S.D. Tex)*

(f) Grounds raised: *I been denied the fairness of the Speedy trial Act in Court 180 of being sexual assaulted by the Court Complainant. I have proof that he sexual assault my kid an was gone to kill me at Complaint*

(g) Did you seek further review by a higher state court? ☒ Yes ☐ No

If yes, answer the following:

(1) Name of court:

(2) Docket or case number (if you know):

(3) Result:

The following to appeal

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(4) Date of result (if you know):

(5) Citation to the case (if you know):

(6) Grounds raised:

(h) Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes☐ No

If yes, answer the following:

(1) Docket or case number (if you know):

(2) Result:

(3) Date of result (if you know):

(4) Citation to the case (if you know):

The following to Question 9

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☐ Yes ☐ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court:

(2) Docket or case number (if you know):

(3) Date of filing (if you know):

(4) Nature of the proceeding:

(5) Grounds raised:

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result:

no?

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(8) Date of result (if you know): _____

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

To Get A
Hearing

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result: _____

No?

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

To Present fact for
to obtain relief which
required exhaustion
of state remedies

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(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result:

(8) Date of result (if you know):

No?

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☐ Yes ☐ No(2) Second petition: ☐ Yes ☐ No(3) Third petition: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

Wait for an hearing of their wish to process under

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE:

Code of Criminal Procedure Art. 15.15 & Art 15.17 Memorandum right an Magistrate duty

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

The liberty is being invade by to my arrest 12-30-2016 which I'm being engaged in an unlawful, unreasonable, and arbitrary investigation that deprive the 4th, 5th, 6th Amend. U.S. Const. of trying to Complaint under the 11.07 they deani the 8th Amend. to my Complaint to protect personal instrest, I requesting a change of Venue of Court 176 or the judge.

(b) If you did not exhaust your state remedies on Ground One, explain why:

When I Confined 4 year deprived of trial procedure my case required exhaustion of the Court 176 remedies to convicted where I wish to present facts under the investigation an past record I hope it's show that I had never been before a magistraive judge of my Arrest on 12-30-2016 of wishing to State Self-defense
How Can I present Self-defense of an unfair Court whom abuse my privilege an liberty? as a human to hear?

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(c) **Direct Appeal of Ground One:**(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why:

Awaiting trial requirement for 6-6-2021; Awaiting an outcome of the result for confinement

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

11.07 writ

Name and location of the court where the motion or petition was filed:

Harris County District Attorney office 500 Jefferson Street, Suite 600 Houston, TX 77002

Docket or case number (if you know):

09427063-11927213

Date of the court's decision:

FEB. 6, 2020

Result (attach a copy of the court's opinion or order, if available):

Awaiting an order

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition?

☒ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☒ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Harris County District Attorney office 500 Jefferson

Docket or case number (if you know):

09427063-1192721

Date of the court's decision:

Awaiting

Result (attach a copy of the court's opinion or order, if available):

Awaiting an order

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

The Case is in 176 for result.

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(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One:

I never been before the magistrate of 12-30-2016 when it stated probable cause is found 12-31-2016 of try to show self-defense I'm respect an deprived trial procedure
GROUND TWO: *Violation & Error of the 4th - 5th - 6th Amend. U.S. Const. Then when Complaint & Violation of the 8th Amend*

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

My Arrest is being forced to do time I have proof of been deprived of trial for 4 year under Cause no 1535843 indictment which is invade my liberty which is abridge my privileges and my immunities as a citizen where an abusive Court act under color of authority gives which raise a cause of action for monetary damages; It consequent upon an injunctive relief that may release a person from custody of knowingly destroyed evidence and cause an illegal and unlawful confinement to invalidate probable cause of the truth of the case.

(b) If you did not exhaust your state remedies on Ground Two, explain why:

Self-defense is stated to be Civil and Criminal of no hearing for my defense. I'm force to sit in this confinement. of not being willing to bond out I harassed to sit until the Court find time to present if self-defense is justified or show committed guilt

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

Await trial requirement for 6-6-2021 = Awaiting a abusive outcome of the result for the confinement

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

11.07

Name and location of the court where the motion or petition was filed:

Harris County Attorney Office 500 Jefferson Street

Docket or case number (if you know):

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Date of the court's decision:

Awaiting

Result (attach a copy of the court's opinion or order, if available):

Awaiting an order

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition?

☒ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☒ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Harris County Attorney
Office

Docket or case number (if you know):

0942706-1192721

Date of the court's decision:

Awaiting

Result (attach a copy of the court's opinion or order, if available):

Awaiting an
Order

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

The result from 176 Court(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you

have used to exhaust your state remedies on Ground Two:

at all my wishes to object to
the Enhancement use and reduction of the Changing language
is stressful awaiting a concern person of the issue that
can come of damage to provide the digital procedure privileged
Ford v. State 538 S.W.2d 633; an Biven v. Fed Bureau of Narcotics
403 U.S. 388 Ramos v. Lamm 639 F.2d 559 & 14th Amend U.S. Const**GROUND THREE:**

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Harris County Sheriff Office of the jail system and its Court System show harassment
and discrimination under their personal immunity to prove their action The
Condition of Establishment to a Citizen immunity is Conductive as a threaten
Physical and mental state which neglect the exercise of one Self-improvement
to the jurisdiction of the immunity where human right is a proper Subject
for adjudication.

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(b) If you did not exhaust your state remedies on Ground Three, explain why:

Regardless of the relief sought which required exhaustion of state remedies, I had been engaged in an unlawful unreasonable, and arbitrary investigation in my arrest of 12-30-2016 that knowingly destroyed evidence; caused an illegal, unlawful procedure to the continuation

(c) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

11.07

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Awaiting

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

Order

Awaiting an

(3) Did you receive a hearing on your motion or petition?

☐ Yes☐ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

off ice

Harris County Attorney

Docket or case number (if you know):

0942706 = 1192721

Date of the court's decision:

Awaiting

Result (attach a copy of the court's opinion or order, if available):

Awaiting an order

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(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

Awaiting result

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

11.07 writ which prove Deprivation of my Past Conviction use for Enhancement where the Agreement to a Special non-jury been unfair of finding

GROUND FOUR: Claim of defective use that allege an Error of proof and Violation to the Past Conviction

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

I obtain an Attorney with draw under and arbitrary investigation from District Court 176 of trying to object to the past Conviction use as an alibi to the mitigated presumption which is defective under the indictment use for Enhancement which absent sufficient fact; but prove deprivation from an 11.07 writ. I feel that I'm being racial discrimination & deprived of my Character when look for a job. I'm stated of being a wrongful person of protecting my self from a sexual act.

(b) If you did not exhaust your state remedies on Ground Four, explain why:

Yes, they try to hid the Case, why they keep me lock? Yes I feel they have sex with my family of all my Complaint are within the Control and Custody of the department are the State department where the items may not be privilege to me to inspect.

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

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Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: _____

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13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☐ Yes ☐ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

I never had a hearing or prehearing to presenting.

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

of not be convicted.

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☒ Yes ☐ No ^{Pro-72}

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

Senior United States District Judge: Lance T. Atlas of Civil Action No. 4:4-19-1292 raised deprivation of ~~trial~~ trial procedure I state of being deprived of my past conviction. I state of use the 11.07 writ to Complaint on where the U.S. District State that I'm not successful in the Complaint; Therefore, where the State Personnel have immunity of such Complaint they do have right to prove their duty of waiting only show more neglect of my action to protect me

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☒ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

The Case 4-19-1292 Civil Action been dismiss of a Employee immunity to prove there action; Therefore their duty under the department; But, I have a ~~granted~~ granted forma pauperis due to the immunity are if its of something else I never got notice

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16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing:

I just want to object to the Enhancement use that ~~the~~ Court 176 is use.

(b) At arraignment and plea:

to convicted under I give them the motion to set aside indictment and Quash Enhancement

(c) At trial:

But I never had a hearing to present fact even thought that they saw proof for the self-defense

(d) At sentencing:

(e) On appeal:

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☐ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence:

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☐ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

I filed an 11.07 writ which required a dismissal to ~~deny~~ pursuant to a past conviction unless permitted to review. Such filing is satisfies the requirement, the requirement pending is not pursuant to any limitation. The review & exercise of due diligence could be discovered.

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Therefore, of file on 11.07 writ request the objection of
 the past conviction when the court may have thought that I'm
 looking to have the past conviction review by present type fact
 for the objection. I filed a motion to pro-se but it's looked
 at as a 1983 application when I'm try to show I been give
 prove of the deprivation of the granted 2254 C.P.D.R. I
 I'm dearn my civil immunity as a citizen to be heard or
 to obtain relief from District Court; therefore, exhaustion of State
 remedies.
 It's hurt try to show self-defense when know the
 out come.

* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
 - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
 - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
 - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
 - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

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- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

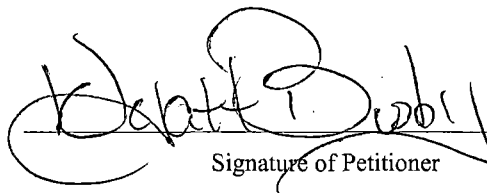
*I have no home are transportation
I ~~do~~ have ~~no~~ G.E.D no cloths or food if releast I hope to obtain
relief of my past Conviction if releast for job Seeking & my SSI benefit
or any other relief to which petitioner may be entitled.*

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for

Writ of Habeas Corpus was placed in the prison mailing system on Jan. 20, 2021 (month, date, year).

Executed (signed) on _____ (date).



Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

*Who this is? "Who this is!" I know who this is. "Who this is!"
"I know this an't who it is. Get off this piece of paper playing
with me"
Call it me*

HARRIS COUNTY SHERIFF'S OFFICE JAIL

Name: Wyatt Busby

SPN: 01920177 Cell: 7.165

Street 701 North Jacinto

HOUSTON, TEXAS 77002



INDIGENT

United States Courts
Southern District of Texas
FILED

JAN 25 2021

Nathan Ochsmier, Clerk of Court

United States District Clerk
of Southern Texas
P.O. Box 61010
Houston, Texas 77208

